

Order

Michigan Supreme Court
Lansing, Michigan

October 23, 2013

Robert P. Young, Jr.,
Chief Justice

146662

Michael F. Cavanagh
Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 146662
COA: 301492
Wayne CC: 10-006812-FC

DARRYL WILLARD CAIN,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the December 20, 2012 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we VACATE that part of the Court of Appeals opinion stating that a “completed larceny” is an element of unlawfully driving away a motor vehicle (UDAA). A “completed larceny” is not an element of UDAA because the offense does not require felonious intent, only movement of the vehicle without the owner’s consent. MCL 750.413; *People v Stanley*, 349 Mich 362, 364 (1957) (“Intent to steal is not an ingredient of the offense.”). Instead, UDAA merely requires driving or taking away a motor vehicle without the owner’s consent. See MCL 750.413. We otherwise AFFIRM the Court of Appeals holding that defendant’s multiple punishments for carjacking and UDAA do not violate his double jeopardy rights because UDAA requires proof that defendant moved the vehicle, which carjacking does not, and carjacking requires proof of the use of force or violence, or the threat thereof, which UDAA does not. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 23, 2013


Clerk